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Pillsbury Winthrop LLP
Intellectual Property Group
Carmel Valley Centre I
11975 El Camino Real, Suite 200
San Diego, CA 92130-2593

In re Application of
ANDERSSON, Carl M.
Application No.: 10/049,669
PCT Application No.: PCT/US00/21225
International Filing Date: 03 August 2000
Priority Date: 03 August 1999
Attorney Docket No.: 015185/0282093
For: SOLID PHASE PARALLEL
SYNTHESIS OF TERTIARY AMINES :

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 12 February 2002 is GRANTED.

BACKGROUND

On 03 August 2000, applicants filed international application number PCT/US00/21225, which claimed a priority date of 03 August 1999. On 27 February 2001, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 04 February 2002 (03 February 2002 was a Sunday).

On 12 February 2002, applicants filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, a petition to revive and the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicants have paid both the petition fee and the basic national fee. A terminal disclaimer is not required as application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration are required.


Richard Cole
PCT Legal Examiner
PCT Legal Administration


Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459